STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of LEECH, Minors.

UNPUBLISHED
August 19, 2014

No. 320109
Berrien Circuit Court
Family Division
LC No. 2012-000088-NA

Before: M. J. KELLY, P.J., and SAWYER and HOEKSTRA, JJ.

PER CURIAM.

Respondent-mother appeals by right the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(*i*) and (g). Because we conclude there were no errors warranting relief, we affirm.

Respondent argues that the trial court erred when it terminated her parental rights without first ensuring that she received reasonable reunification efforts. We review de novo, as questions of law, the interpretation and application of statutes and court rules. *In re Utrera*, 281 Mich App 1, 9; 761 NW2d 253 (2008). Whether respondent received reasonable reunification services involves the trial court's factual findings, which this Court reviews for clear error. MCR 3.977(K); *In re Rood*, 483 Mich 73, 90; 763 NW2d 587 (2009) (opinion by Corrigan, J.). "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

"Generally, when a child is removed from the parents' custody, [the Department of Human Services] is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan." *Id*. at 462. However, although the Department "has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of respondents to participate in the services that are offered." *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012).

The trial court not only found that respondent received reasonable reunification efforts, but also found that petitioner went "above and beyond" reasonable reunification services. The record supports that respondent received multiple services, including ongoing case management, family team meetings, a parent-child bonding assessment, a parenting assessment, parenting classes, a one-on-one parenting coach, supervised parenting time, counseling services, mental health services, drug screens, and an independent living assessment. Therefore, we cannot conclude that the trial court clearly erred when it found that the Department took efforts to

rectify the problems that led to the children's removal by providing respondent with reasonable services. See *In re Fried*, 266 Mich App 535, 542-543; 702 NW2d 192 (2005).

Moreover, the trial court found, and the record supports, that respondent did not comply with some of the Department's referrals and did not benefit from the services that it provided to her. Respondent did not complete her independent living assessment, had poor parenting time attendance during the approximately six months preceding termination, and some of her counseling services were terminated for poor attendance. The record shows that, although respondent completed parenting classes and worked with counselors and a parenting coach, her parenting skills did not improve and she remained unable to appropriately parent her children. Thus, respondent failed to satisfy her obligation to participate in the services offered to her. *In re Frey*, 297 Mich App at 248. The record before us supports the trial court's finding that respondent received reasonable reunification efforts, but did not demonstrate a benefit from those services. *In re Rood*, 483 Mich at 90-91.

Respondent nevertheless contends that the Department's efforts were insufficient because it failed to accommodate for her disability by providing an adult guardian and contacting Adult Protective Services. Respondent was previously diagnosed with schizophrenia and bipolar disorder and the record contains multiple references to respondent's cognitive limitations. The supervising foster care worker testified that respondent's services had been "tailored" to meet her needs and that her service providers had been made aware of her potential cognitive limitations. When respondent failed to benefit from parenting classes, the Department provided her with a one-on-one parenting coach. The foster care worker contacted West Michigan Guardianship regarding a potential adult guardian for respondent and was told that respondent needed to complete an adult case management assessment. However, respondent failed to comply with her referrals regarding the necessary assessment.

Moreover, although the Department did not contact Adult Protective Services, respondent has not shown that contacting Adult Protective Services was reasonably necessary to facilitate reunification. Ultimately, there is ample record support to establish that the Department took respondent's limitations into account and made reasonable accommodations and service referrals to address those limitations. Again, the trial court did not clearly err by finding that petitioner made reasonable reunification efforts. *In re Rood*, 483 Mich at 90-91.

Respondent does not challenge the trial court's findings that the Department established statutory grounds for termination and that termination was in the children's best interests. Nevertheless, we have reviewed the record and conclude that the trial court's findings were not clearly erroneous. *In re HRC*, 286 Mich App at 459.

There were no errors warranting relief.

Affirmed.

/s/ Michael J. Kelly
/s/ David H. Sawyer
/s/ Joel P. Hoekstra